

### RESPONSE TO THE OFFICE COMMUNICATION

The Office Communication dated November 17, 2009 indicated that while the Restriction/Election Requirement response filed July 31, 2009 elected the invention of Group III, claims 7, 8, 10-17, 20 and 112-115, no claims directed to the elected invention were presented. The Patent Office contends that the Amendment was non-responsive.

Without acquiescing to the contentions of the Patent Office, applicants respectfully submit that new claims 147-161 have been added herein. New claims 147-161 correspond to originally filed claims 7, 8, 10-17, 20 and 112-115, respectively. Support for new claims 147-161 can be found throughout the specification as originally filed, and particularly in original claims 7, 8, 10-17, 20 and 112-115. No new matter has been added. Claims 132-146 have been cancelled without prejudice.

Applicants respectfully submit that new claims 147-161 are drawn to the invention of Group III, corresponding to original claims 7, 8, 10-17, 20 and 112-115. A response to the Restriction/Election Requirement, including an election of one of the inventions identified in Group I through Group VIII, is included herein below.

### RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Group</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1-4	Drawn to method for the identification of a nucleic acid molecule differentially expressed in an <i>in vitro</i> model;
II	5 and 6	Drawn to a method for the identification of a nucleic acid molecule up-regulated in an <i>in vitro</i> model;
III	7, 8, 10-17, 20, and 112-115	Drawn to a nucleic acid molecule, a gene, a short interfering oligonucleotide, and a catalytic nucleic acid;

IV	9	Drawn to polypeptide;
V	18 and 19	Drawn to use of a nucleic acid to identify and/or obtain full length human genes involved in an angiogenic process;
VI	28	Drawn to an expression vector, a transformed cell, and a method of preparing a polypeptide;
VII	116	Drawn to use of a nucleic acid in the diagnosis or prognosis of an angiogenesis related disorder; and
VIII	128-131	Drawn to a genetically modified non human animal.

#### APPLICANTS' ELECTION

Applicants hereby elect the invention of **Group III, claims 7, 8, 10-17, 20, and 112-115**, drawn to a nucleic acid molecule, a gene, a short interfering oligonucleotide, and a catalytic nucleic acid.

Additionally, applicants elect the sequence of the **BNO802 gene** as set forth in Table 1.

#### REMARKS

In response to the Restriction/Election Requirement, applicants have elected the claims of Group III, claims 7, 8, 10-17, 20, and 112-115, drawn to a nucleic acid molecule, a gene, a short interfering oligonucleotide, and a catalytic nucleic acid. Additionally, applicants have elected the sequence of the BNO802 gene as set forth in Table 1.

Applicants respectfully submit that newly added claims 147-161 are drawn to the invention of Group III, claims 7, 8, 10-17, 20, and 112-115.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter. Applicants further respectfully request consideration of additional species upon indication of the allowability of a generic claim.

CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

DEPOSIT ACCOUNT

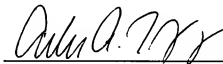
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

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